

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

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MICHELLE LUGONES, TRICIA RIZZI, MARCUS :
SIEZING, CLAUDIA VASSALLO, DENISE :
ALVARADO, MINOEE MODI, ISABELLE GRAY, :
KARINE SEWELL, and SONJA ROMANO, :
Plaintiffs, on behalf of themselves and as proposed :
class representatives of a Class of similarly situated :
individuals, and :

ANNE FLOURNOY,
Plaintiff and member of the putative Class,

v.

PETE AND GERRY’S ORGANICS, LLC and
NELLIE’S FREE RANGE EGGS,

Defendants.

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Civil Case No.: 19-cv-02097

**DECLARATION OF JEANNE
CHRISTENSEN IN
OPPOSITION TO
DEFENDANTS’ MOTION TO
DISMISS UNDER RULE
12(b)(2)**

I, Jeanne Christensen, hereby state as follows:

1. I am a partner at Wigdor LLP and attorney of record for Plaintiffs in this action. I respectfully submit this declaration in opposition to Defendants’ motion to dismiss for lack of personal jurisdiction under Fed. R. Civ. P. 12(b)(2). I have personal knowledge of the facts herein.

2. According to a press release published on March 31, 2016, Defendants appointed the New York City-based advertising agency Figliulo & Partners (“F&P”) that same day as their “creative agency of record (AOR)” to “service Pete and Gerry’s full family of brands including Pete and Gerry’s Organic, Nellie’s Free Range, and Carol’s Heirloom and Pasture Raised.” A true and correct copy of this publication is attached as **Exhibit 1**.

3. Defendants’ CEO, Jesse Laflamme, is quoted in this press release as stating that, “[w]ith the help of F&P, we will be able to communicate the benefits of humane, ethical eggs produced on small family farms to consumers across the country.” *Id.*

4. The press release also states that Defendants are “committed to producing fresh, organic eggs from humanely raised hens . . . by partnering with small, independent farm partners and not by simply adding more and bigger ‘barns’ as the factory egg producers have done.” *Id.* The press release further states that “[t]he appointment of F&P supports [Defendants’] goals to be the national brand leader in premium eggs for both organic and non-organic consumers.” *Id.*


5. The press release also states that “[t]he agency’s first work is anticipated to launch later this year across a variety of mediums, including TV, print, out-of-home, video, digital, social and mobile.” *Id.*

6. According to the F&P website, “Pete and Gerry’s works with [F&P] to promote its category-leading egg brands: Pete and Gerry’s Organic Eggs and Nellie’s Free Range Eggs. We began our relationship 4 years ago by identifying a One Story for each brand to give each its own differentiated positioning for growth. As AOR, we lead all strategy, creative, and production for the brands, from consumer-facing campaigns to social activations, as well as the design, development, and maintenance of their websites.” A true and correct copy of the relevant portion of the F&P website, last visited on October 14, 2019, is attached as **Exhibit 2**.

7. According to the F&P website, the F&P agency is located at 628 Broadway, New York, NY, 10012. No other locations or offices are listed on the F&P website. A true and correct copy of the relevant portion of the F&P website, last visited on October 14, 2019, is attached as **Exhibit 3**.

8. Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief.

Dated: October 25, 2019
New York, New York



Jeanne M. Christensen